

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 16, 2002

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B155830 People v. Marsh
B157082 People v. McMann
B157619 People v. Barber
B159119 People v. Villanueva
B157269 People v. Acuna
B152163 People v. Mares
B153202 Tupaz v. Tupaz
B152680 Kiang v. Paisa, Inc.
B148805 Manibog v. Varela
B158768 People v. Lopez
B155668 People v. Myers
B154782 People v. Jimenez
B157976 People v. Roosevelt H.
B162050 Kim T. v. SCLA
B149595 People v. Talamantez

Argument waived, cause submitted.

B155378 Rollins
 Home Depot
 v.
 RDF Domiciles, Inc., et al.

Merits:

Argued by Mason Brush for appellant and by Gina McCoy for respondents.
Cause submitted.

DIVISION TWO (Continued)

B151628 People
 v.
 Randolph

Merits:
Argued by Marc Kohm, Deputy Attorney General for respondent and by Thomas Ono for appellant. Cause submitted.

B141535 Etebari, et al.
 v.
 Banks

Merits:
Argued by James Kauder for appellants and there being no appearance by counsel for respondent. Cause submitted.

B157624 Kare Youth League
 v.
 Madsen

Merits:
Argued by Paul Copenbarger for appellant and by Geraldine Wyle for respondent. Cause submitted.

B155424 Violano
 v.
 Joan Urrutia-Jomar, Inc.

Merits:
Argued by Mara Burnett for appellant and waived by Gerald Peters for respondent. Cause submitted.

B152840 Isaac, et al.
 v.
 Lincoln Memorial Park, Inc.

Merits:
Argued by Scott Schutzman for appellants and by Anthony DiMonte for respondent. Cause submitted.

DIVISION TWO (Continued)

B152602 Wiz Technology, Inc.
 v.
 Coopers & Lybrand

Merits:
Argued by John Wallace for appellant and by Stephen Newman for
respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy
Clerk.

B153050 People
 v.
 Sampson

Merits:
Argued by Roy Preminger, Deputy Attorney General for respondent and by
Susan Wolk for appellant. Cause submitted.

B160462 Warrick
 v.
 Superior Court, Los Angeles County
 (City of Los Angeles Police Department, r.p.i.)

Merits:
Argued by Mark Harvis for petitioner and by Martin Boags for real party in
interest. Cause submitted.

B157900 People
 v.
 James F.

Merits:
Argued by Lance Winters, Deputy Attorney General for respondent and by
Doris Browning for appellant. Cause submitted.

DIVISION TWO (Continued)

B154356 Wittman
 v.
 Business Funds, Inc.

Merits:
Argued by Grant Carlson for respondent and by Steven Kerekes for
appellant. Cause submitted.

B150805 People
 v.
 Rosenthal

Merits:
Argued by Jason Tran, Deputy Attorney General for respondent and by
Andrew Rubin for appellant. Cause submitted.

B161931 People
 v.
 Garnica, et al.

Merits:
Argued by Alan Tate, Deputy Attorney General for respondent, by Murray
Rosenberg for appellant (Garnica), William Heyman for appellant (Camba)
and by Gerald Serlin for appellant (Rico). Cause submitted.

B151224 Elysian Investment Group, Inc.
 v.
 Stewart Title Guaranty, Co.

Merits:
Argued by Shelly McMillan for appellant and by Francis Cunningham for
respondent. Cause submitted.

B152672 Zeron
 v.
 City of Los Angeles, et al.

Merits:
Argued by Patrick Thistle for appellant and by Matthew St. George, Deputy
City Attorney for respondents. Cause submitted.

DIVISION TWO (Continued)

B154191 Cruze
 v.
 National Psychiatric Services, Inc.

Merits:
Argued by Jeffrey Bohrer for appellant and by Louis DeStefano for respondent. Cause submitted.

B152853 Stephens
 v.
 Litvak, et al.

Merits:
Argued by Thomas Mortimer for appellant, by James Meier for respondent (Painter) and by Craig Wildey for respondent (O'Donnell). Cause submitted.

B152972 Doshi, et al.
 v.
 Hollingshead, et al.

Merits:
Argued by Charles Kircher for respondents and by Meir Westreich for appellants. Cause submitted.

B160026 San Gabriel Parkway Investment, Co.
 v.
 Superior Court, Los Angeles County
 (Rose Hills Co., et al., r.p.i.)

Merits:
Argued by Cheryl Orr for petitioner and by Ernie Park for real parties in interest. Cause submitted.

B156109 Culver Automotive
 v.
 5 Star Muffler Centers, Inc.

Merits:
Argued by R. Eric Siegfried for appellant and by Geoffrey Gold for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B153059 People (Not for Publication)

V.

Mario Barron and Richardo Guillen

Guillen's sentence on count 2 is ordered stayed. The one-year deadly weapon use enhancement imposed on Barron in connection with count 1 is ordered stricken. The deadly weapon sue enhancement found true against Barron in connection with count 2 is ordered stricken. As modified, the judgments are affirmed. The trial court is directed to prepare amended abstracts of judgment reflecting these modifications and forward them to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B152074 People (Not for Publication)

B157289 v.

Moses Turner
Jermaine Sims

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B154786 People (Not for Publication)

V.

Brit Augborne

The judgment is modified as follows: The eight-month enhancement imposed as to count 2 pursuant to Penal Code section 12022.1 is reversed and stricken. The superior court clerk is directed to correct the abstract of judgment to reflect defendant's presentence credits of 5 days. The sentence in this case is ordered to run consecutively to that in case No. YA046678. The order imposing a \$1,000 penalty assessment pursuant to Penal Code section 1464 is vacated. The judgment is modified to impose and stay a \$1,000 Penal Code section 1202.45 restitution fine. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

December 16, 2002 (Continued)

DIVISION FIVE (Continued)

B153749 People (Not for Publication)
v.
Jeffrey Holmes

The judgment is modified to impose a \$50 Penal Code section 1464 and a \$35 Government Code section 76000 penalty assessment on the Health and Safety Code section 11372.5, subdivision (a) laboratory fee. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B151252 Allstate Insurance Company
v.
Douglas Weitzman, et al.

Filed order vacating submission order of October 2, 2002. The submission is vacated because: of the complexity of the issues raised by the parties; the case involves questions of first impression concerning Insurance Code section 1871.7 which requires the review of extensive legislative history materials; and the press of other cases which also remain undecided including matters entitled to priority pursuant to Code of Civil Procedure sections 44 and 1291.2 as well as juvenile cases. Cause resubmitted.

B157187 People
v.
Dante Soiu

Filed order vacating submission order of October 2, 2002. The submission is vacated because: of the press of other cases including juvenile cases which are entitled to priority; the Attorney General merely conceded error without providing any substantial briefing to support its concession; and the case involves unbriefed issues concerning the score of the hearing right of accused found not guilty by reason of insanity in the post judgment context. Cause resubmitted.

DIVISION SIX

B153006 San Luis Obispo Tribune (Not for Publication)
 v.
 City of El Paso De Robles

The judgment is affirmed. Costs to respondents.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B154704 Karasiuk (Not for Publication)
 v.
 ESC Medical Systems, Inc., et al.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B155292 Dabney (Certified for Publication)
 v.
 Dabney

That portion of the order requiring Hilary to execute documents for a lot line adjustment is reversed. In all other respects, the order is affirmed. Each party is to bear her own costs.

Gilbert, P.J.

I concur: Perren, J.
I concur: Yegan, J. (opinion)

December 16, 2002 (Continued)

DIVISION SIX (Continued)

B155348 U.S. Oil and Refining Co. (Not for Publication)
v.
Gaviota Terminal Company

The judgment is affirmed. Costs to respondents.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SEVEN

B152523 Sanai
v.
Sanai

Filed order vacating submission order of 10-4-02, for purpose of re-argument before a reconstituted panel.